

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated November 20, 2009. Claims 1 to 25 are currently pending. Claims 1, 6, and 10 to 25 are amended herein for clarity. No new matter is added by these amendments. Please charge deposit account number 02-1818 for any fees due in association this Response.

The Office Action rejected claim 10 under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action stated that "Independent claim 10...recites '...second processor configured to communicate via the ticket validation network to the ticket validation system and via an electronic transfer network to a remote fund repository without communicating through the ticket validation network[.]'" (pages 2-3).

Applicant has amended claim 10 to clarify the intended scope. Thus, the relevant portion of amended claim 10 recites "the second processor configured to communicate via an electronic fund transfer network to a remote fund repository without communicating through the ticket validation network." Applicant thus states that claim 10 satisfies 35 U.S.C. §112, second paragraph, and is in condition for allowance.

The Office Action rejected claims 1 to 25 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,902,983 to Crevelt et al. ("Crevelt"). Applicant respectfully disagrees, and traverses this rejection.

Initially, Applicant respectfully directs the Examiner's attention to the fact that Crevelt has been exhaustively addressed throughout prosecution of the instant application. For example, Crevelt was addressed in an Office Action mailed June 30, 2006, an interview conducted August 9, 2006, an Office Action mailed October 10, 2006, an Office Action mailed June 29, 2007, a Pre-Appeal Brief Request for Review filed August 28, 2007, and an Office Action mailed February 8, 2008. Although Applicant notes that the identified prosecution history was conducted with a different Examiner, Applicant respectfully directs the Examiner's attention to MPEP 704.01, which states "[w]hen an examiner is assigned to act on an application which has

received one or more actions by some other examiner, full faith and credit should be given to the search and action of the previous examiner unless there is a clear error in the previous action or knowledge of other prior art." In view of the thorough treatment of Crevelt, and for the reasons given below, Applicant submits that Crevelt does not disclose each and every element of the pending claims. Thus, claims 1 to 25 are in condition for allowance.

Crevelt discloses a gaming machine including the apparatus necessary to send requests to and receive authorizations from an EFT system. (Abstract). Crevelt "provides a gaming machine which allows a player to transfer funds from a remote funds repository (e.g., a bank) via an electronic funds transfer system and convert the transferred funds into plays on the gaming machine." (col. 2, ll. 50-54). "In preferred embodiments, the gaming machine interface includes functionality allowing it to request an electronic deposit of a payout from the gaming machine to the remote funds repository." (col. 3, ll. 12-15). Crevelt discloses that known EFT hosts can be used to route electronic funds transfer requests between sales or services establishments (such as a casino) and remote funds repositories such as banks or credit unions. (col. 7, ll. 49-56). Crevelt discloses that in addition to handling EFT requests from gaming machines, "the host could process ATM, check authorization, and point of sale transactions within the casino." (col. 8, ll. 7-13). Crevelt further discloses that:

In an alternative embodiment, funds transferred from a player's remote financial institution are converted to plays on a gaming machine only after the player inserts a coupon into a coupon reader on the gaming machine...In this embodiment, the gaming machine is configured much like that of a machine of the above-described embodiment. However, rather than automatically issuing credit at the machine from which the EFT was requested, a coupon is issued when the player uses his or her ATM card. That coupon indicates playing credit available from an in-house account which can then be redeemed at one or more gaming machines in a casino (not necessarily the machine from which the coupon originated)...To implement this second embodiment, a gaming machine will contain, in addition to the EFT point of sale mechanism of the above embodiments, a coupon printer and a coupon reader coupled to appropriate electronics to permit the coupons to be converted to actual playing credit on the machine. (col. 10, l. 55 – col. 11, l. 9) (emphasis added).

Amended independent claim 1 is directed to a electronic fund transfer kiosk including, among other elements, a processor configured to communicate with a remote fund repository over an electronic fund transfer network but not over a ticket validation network, the processor not configured to cause any play of any wagering game, a ticket printer configured to operate with the processor to issue a ticket to the person, wherein (i) the ticket is associated with a value based on an approved electronic fund transfer, the approved electronic fund transfer being made via the electronic fund transfer network from the remote fund repository, and (ii) the ticket includes identification information readable by the remote gaming device, the identification information enabling validation of the ticket by the gaming device via the ticket validation network, the validation enabling a wager on at least one play of at least one game at the gaming device, and a housing that supports the processor and the ticket printer.

Applicant submits that Crevelt does not disclose each and every element of amended independent claim 1.

First, Crevelt does not disclose a processor configured to communicate with a remote fund repository over an electronic fund transfer network but not over a ticket validation network, the processor not configured to cause any play of any wagering game. Any EFT transaction disclosed by Crevelt in which funds are transferred to play a game is achieved through a gaming device. That is, Crevelt discloses enabling an EFT transaction wherein a player sits down at a gaming device, at which he or she can eventually wager on a play of a game, and obtains funds through an EFT network prior to playing the game. Crevelt does not disclose that the processor of the gaming device is configured to communicate with a remote fund repository and does not disclose that the processor is not configured to cause any play of any wagering game.

Second, Crevelt does not disclose an electronic fund transfer kiosk having the processor as discussed above (i.e., wherein the processor does is not configured to cause any play of any wagering game) and also including a ticket printer to issue a ticket to a person, the ticket including identification information readable by the remote gaming device, the identification information enabling validation of the ticket by the gaming device. Although Crevelt discloses providing a coupon at a gaming machine, Crevelt is clear that the gaming machine contains, in addition to the EFT point of sale

mechanism of the above embodiments, a coupon printer and a coupon reader. (col. 11, ll. 5-9). That is, the gaming machine of Crevelt does not issue a coupon readable by a remote gaming device. To the extent Crevelt discloses a coupon printer, the coupon printer is included in a gaming device, and is not part of an electronic fund transfer kiosk having the claimed processor. Moreover, the coupon printer of Crevelt does not provide a ticket readable by a remote gaming device (i.e., remote from the electronic fund transfer kiosk), as in claim 1. Rather, Crevelt contemplates a single device that enables an EFT transaction and can provide a coupon for use at that single device.

Third, since Crevelt does not disclose an electronic fund transfer kiosk including the processor and the ticket printer, as described above, Crevelt cannot disclose a housing that supports the claimed processor and the claimed ticket printer.

For at least the reasons given above, Applicant respectfully submits that Crevelt does not disclose each and every element of amended independent claim 1. Thus, claim 1 is in condition for allowance.

Claims 2 to 9, which depend directly or indirectly from independent claim 1, are also patentably distinguished over Crevelt for the reasons given above with respect to claim 1, and because of the additional features recited in these claims. Thus, claims 2 to 9 are in condition for allowance.

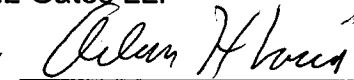
Amended independent claims 10 and 21 (and dependent claims 11 to 20 and 22 to 25, which depend directly or indirectly from independent claims 10 or 21) each include certain similar elements to those discussed above with respect to claim 1. For reasons similar to those given above with respect to claim 1, independent claims 10 and 21 (and dependent claims 11 to 20 and 22 to 25) are each patentably distinguished over Crevelt and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L Gates LLP

BY



Adam H. Masia

Reg. No. 35,602

Customer No. 29159

(312) 807-4284

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